

“EXHIBIT D”



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December 9, 2015

VIA EMAIL & UPS

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***For Settlement Purposes Only
Without Prejudice***

Charles A. Irvin, Esq.
BuzzBallz, LLC
d/b/a Southern Champion
2114 McDaniel Drive
Carrollton, TX 75006

Re: E. Remy Martin & Co.
Cease and Desist Letter – XIII KINGS Trademark
Our Reference: 0086305-000075

Dear Mr. Irvin:

We represent E. Remy Martin & Co. ("Remy") in connection with its intellectual property rights in the United States. On December 2, 2015, on behalf of our client, we filed an extension of time to oppose your company's U.S. Trademark Application for the mark XIII KINGS.

As you may know, Remy is the owner of the well-known trademark LOUIS XIII mark registered and used for "brandy" and "cognac" in the United States. Remy is also the owner of U.S. Registration Nos. 351,192 for the mark LOUIS XIII covering "brandy" and 3,816,880 for the mark LOUIS XIII DE RÉMY MARTIN RARE CASK covering "wine spirit benefiting from the appellation of origin cognac." (see copies of U.S. Federal Trademark Registrations attached) Our client has used the mark LOUIS XIII in the U.S. in connection with alcoholic beverages since at least as early as 1937 and Remy has developed strong rights in the mark LOUIS XIII based on long and continued use of the mark in the U.S. and worldwide.

It has come to our attention that BuzzBallz, LLC has recently filed a federal trademark application for the name XIII KINGS for use in connection with vodka.

Given the highly similar nature of the marks and goods, BuzzBallz's proposed use of the name XIII KINGS would clearly confuse consumers into believing that BuzzBallz's vodka is provided by, licensed by, or otherwise associated with Remy when in fact they are not. This unauthorized use of the mark XIII KINGS constitutes trademark infringement and false designation of origin under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a). It also creates a

likelihood of injury to Remy's business reputation and dilutes the distinctive quality of the famous mark LOUIS XIII in violation of both federal and state law.


Remy considers the mark LOUIS XIII to be its valuable intellectual property and you should be aware that it has been diligent and successful in enforcing its rights in the LOUIS XIII mark against infringing third parties in the U.S. and worldwide.

Remy is prepared to take any necessary measures to protect its rights in the LOUIS XIII mark and prevent infringement and dilution of these valuable rights. In an effort to resolve this matter as soon as possible, we request that BuzzBallz, LLC:

- (i) Cease and desist all use of the XIII KINGS mark in the U.S. immediately;
- (ii) Expressly withdraw the trademark application for XIII KINGS;
- (iii) If applicable, provide us with an accounting of all inventory, promotional material packaging and all other materials bearing the XIII KINGS mark;
- (iv) Agree in writing not to use the XIII KINGS mark or any other confusingly similar mark at any time in the future.

Please confirm in writing within ten (10) days of the date of this letter that BuzzBallz, LLC will take the above steps. If we do not hear from you by then, we will proceed as necessary to protect our client's valuable intellectual property rights. This letter is without prejudice to the rights of our client.

Sincerely,

A handwritten signature in black ink that reads "Holly M Ford Lewis". The signature is written in a cursive, slightly slanted style.

Holly M. Ford Lewis

HMF/cf

Enclosures

Int. Cl.: 33

Prior U.S. Cl.: 49

United States Patent and Trademark Office

Amended

Reg. No. 351,192

Registered Oct 19, 1937

OG Date July 28, 1998

**TRADEMARK
PRINCIPAL REGISTER**

LOUIS XIII

E. REMY MARTIN & CO. S.A. (FRANCE
CORPORATION)
20, RUE DE LA SOCIETE VINICOLE
16102 COGNAC CEDEX, FRANCE, BY
CHANGE OF NAME FROM SOCIETE
ANONYME MAISON E. REMY MARTIN
& CO. (FRANCE CORPORATION)
COGNAC (CHARENTE), FRANCE

FOR: BRANDY, IN CLASS 49 (INT. CL.
33).

FIRST USE 9-9-1936; IN COMMERCE
9-9-1936.

SER. NO. 71-393,920, FILED 6-10-1937.

OWNER OF FRANCE REG. NO. 10864,
DATED 3-10-1937.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 28, 1998.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 33

Prior U.S. Cl.: 49

Reg. No. 351,192

United States Patent and Trademark Office

Registered Oct. 19, 1937

10 Year Renewal

Renewal Term Begins Oct. 19, 1997

**TRADEMARK
PRINCIPAL REGISTER**

LOUIS XIII BRAND

E. REMY MARTIN & CO. S.A. (FRANCE
CORPORATION)
20, RUE DE LA SOCIETE VINICOLE
16102 COGNAC CEDEX, FRANCE, BY
CHANGE OF NAME FROM SOCIETE
ANONYME MAISON E. REMY
MARTIN & CO. (FRANCE CORPORA-
TION) COGNAC (CHARENTE),
FRANCE

OWNER OF FRANCE REG. NO. 10864,
DATED 3-10-1937.

THE WORD "BRAND" BEING DIS-
CLAIMED APART FROM THE MARK
SHOWN.

FOR: BRANDY, IN CLASS 49 (INT. CL.
33).

FIRST USE 9-9-1936; IN COMMERCE
9-9-1936.

SER. NO. 71-393,920, FILED 6-10-1937.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 23, 1997.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered Oct. 19, 1937

Trade-Mark 351,192

RENEWED

Property of the U. S. Patent Office.
Not to be taken from the Files.

UNITED STATES PATENT OFFICE

Societe Anonyme Maison E. Remy Martin & Co.,
Cognac, France

Act of February 20, 1905 ✓

Application June 10, 1937, Serial No. 393,920

LOUIS XIII BRAND

STATEMENT

To all whom it may concern:

Be it known that Societe Anonyme Maison E. Remy Martin & Co., a corporation duly organized and existing under the laws of the Republic of France and located at Cognac (Charente) France, has adopted for its use the trade-mark shown in the accompanying drawing, the word "Brand" being disclaimed apart from the mark shown.

The trade-mark has been continuously used in its business since September 9, 1936.

The particular description of goods to which the trade-mark is appropriated is BRANDY, comprised in Class 49, Distilled alcoholic liquors.

The trade-mark is usually displayed by printing

same on labels which are attached to packages containing the goods.

Said trade-mark has been registered in France dated March 10, 1937, No. 10,864. Mock & Blum, whose postal address is 10 East 40th Street, New York, N. Y., are designated, as applicant's representative, on whom process or notice of proceedings affecting the right of ownership of said trade-mark brought under the laws of the United States may be served.

SOCIETE ANONYME

MAISON E. REMY MARTIN & CO.

By G. AUBOUIN,

Managing Director,

United States of America

United States Patent and Trademark Office

LOUIS XIII DE RÉMY MARTIN
RARE CASK

Reg. No. 3,816,880

Registered July 13, 2010

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

E. REMY MARTIN & C° (FRANCE COMPANY)
20, RUE DE LA SOCIÉTÉ VINICOLE
F-16100 COGNAC, FRANCE

FOR: WINE SPIRIT BENEFITING FROM THE APPELLATION OF ORIGIN COGNAC, IN CLASS 33 (U.S. CLS. 47 AND 49).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 09/3668731, FILED 8-3-2009, REG. NO. 09/3668731, DATED 8-3-2009, EXPIRES 8-3-2019.

OWNER OF U.S. REG. NOS. 351,192, 749,501, AND 840,620.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RARE CASK", APART FROM THE MARK AS SHOWN.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 77-804,678, FILED 8-14-2009.

JOHN DALIER, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office